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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,452	11/08/2001	Yehuda Hershkovits	P-3864-US	5080

27130 7590 09/24/2003

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EXAMINER
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SWERDLOW, DANIEL

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 09/24/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/986,452

Applicant(s)

HERSHKOVITS ET AL.

Examiner

Daniel Swerdlow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Wachel (US 2002/0078395 A1). Wachel discloses a network system (i.e., **a telecommunications device**) **comprising: a connector** (Fig. 2; paragraph 17) **for connecting a main card** (Fig. 1, reference 104; paragraph 14) that corresponds to the **back I/O card** claimed **to a midplane** (Fig. 1, reference 102; paragraph 17) **that includes PCI bus connections** (paragraphs 16-17).

3. Claims 29 through 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Pecone (US 2003/0065733 A1).

4. Regarding Claim 29, Pecone discloses a **PCI bus** (Fig. 6, reference 116) **used to enable exclusive communications** (i.e., **establish a connection**) **between a channel interface module** (Fig. 6, reference 136) that corresponds to the **rear I/O card** claimed **and a controller memory module** (Fig. 6, reference 108) that corresponds to the **second front card** claimed **when failure of a controller memory module** (Fig. 6, reference 104) that corresponds to the **first front card** claimed **is detected** (i.e., **indicated**) (Paragraph 49).

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5. Regarding Claim 30, Pecone discloses **connecting a** channel interface module (Fig. 6, reference 136) that corresponds to the **rear I/O card** claimed **to a portion (i.e., a set of midplane traces) of a PCI bus** (Fig. 6, reference 128) **upon** detection of failure of (i.e., **receiving a failure indication associated with**) a controller memory module (Fig. 6, reference 104) that corresponds to the **front card** claimed (Paragraph 49).

6. Regarding Claim 31, as shown above apropos of Claim 29, Pecone discloses using (i.e., **allocating at least a portion of**) a **PCI bus for communication between a** channel interface module (Fig. 6, reference 136) that corresponds to the **rear card** claimed **and a** controller memory module (Fig. 6, reference 108) that corresponds to the **backup front card** claimed.

7. Regarding Claim 32, Pecone discloses a switched PCIX arrangement (Fig. 6, reference 208, 212; paragraph 41) that corresponds to the **isolation relay** claimed and **routes signals from a** channel interface module (Fig. 6, reference 136) that corresponds to the **back card** claimed **to a** controller memory module (Fig. 6, reference 108) that corresponds to the **backup card** claimed **through a PCI bus** (Fig. 5, reference 116) **upon receiving a** command generated upon failure of (i.e., **failure indication associated with**) a controller memory module (Fig. 6, reference 104) that corresponds to the **front card** claimed (Paragraph 49).

8. Regarding Claim 33, Pecone discloses a switched PCIX arrangement (Fig. 6, reference 208, 212; paragraph 41) that corresponds to the **control circuit** claimed and **redirects communications from a** channel interface module (Fig. 6, reference 136) that corresponds to the **rear card** claimed **to a** controller memory module (Fig. 6, reference 108) that corresponds to the **second front card** claimed **upon receiving a** command generated upon failure of (i.e., **an**

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**indication signal associated with)** a controller memory module (Fig. 6, reference 104) that corresponds to the **front card** claimed (Paragraph 49).

9. Regarding Claim 34, Pecone further discloses the failure associated command that corresponds to the indication claimed going from the channel interface module (Fig. 6, reference 136) that corresponds to the **rear card** claimed to (i.e., **received by**) a controller memory module (Fig. 6, reference 108) that corresponds to the **second front card** claimed **over a PCI bus** (Fig. 5, reference 116).

#### *Response to Arguments*

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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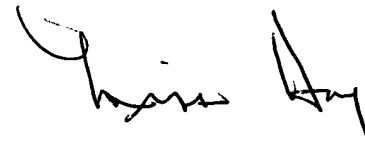
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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**MINSUN OH HARVEY**  
**PRIMARY EXAMINER**